

**THE COCHIN DEBT CONCILIATION ACT
(AMENDMENT) BILL.**

Whereas it is expedient to amend the Cochin Debt Conciliation Act, XXVI of 1112, it is hereby enacted as follows:—

Preamble.

Title and preamble were put and carried.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—I move that the Bill may be taken up and passed tomorrow.

Mr. K. P. Kannan Nayar (*Secretary to Government*).—I second it.

Motion was put and carried.

The Cochin Penal Code Amendment Bill.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—Sir, I rise to introduce the Cochin Penal Code Amendment Bill. This Bill deals with the section relating to rape. I do not think that I can do better than read the statement of objects and reasons attached to the Bill. “Under section 355 of the Cochin Penal Code as amended by Act VIII of 1040 a man is guilty of the offence of ‘rape’ if he has sexual intercourse with a woman ‘with or without her consent when she is under twelve years of age’ and under the exception to this section, sexual intercourse by a man with his own wife, the wife not being under 12 years of age, is not rape. Books on medical jurisprudence establish the fact that the age of puberty in India is ordinarily attained by a girl upon her reaching the age of 14 and that they are unfit for sexual cohabitation till they are much older and more fully developed in physique and strength. The desire to reduce infant mortality and to afford protection to minor girls and their progeny has contributed not a little to the great attention and study that have been bestowed on the subject in the quarter of a century that has elapsed and in British India the age has been raised as suggested in this Bill as early as 1935. The age of consent Committee appointed in 1928 by the Government of India after a very elaborate enquiry and after weighing all shades of opinion reported in favour of fixing even a higher age. This Bill proposes to fix only the age of 13 for offences within marital relationship and 14 for offences without it. This while meeting the requirements of the case would at the same time not be far in advance of public opinion. Hence full support is expected for this piece of humanitarian legislation.” I am sure that the Doctor members of this House will be jubilant over this provision and I hope all the other members also will support this. We have only raised the age of consent as mentioned in this Bill. This is indeed a very salutary measure. I move that the Bill be read in Council.

Mr. K. P. Kannan Nayar (*Secretary to Government*).—
I second it.

Motion was put and carried.

Secretary to the Council.—The title of the Bill is “the Cochin Penal Code Amendment Bill”.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—I move that the Bill may be taken up for consideration forthwith after suspending Standing order No. 32.

Mr. K. P. Kannan Nayar (*Secretary to Government*).—
I second it.

Deputy President.—The standing order is suspended.

Motion was put and carried.

Deputy President.—The question is that sections 2 to 4 stand part of the Bill.

2. In section 355 of the Cochin Penal Code, (hereinafter referred to as ‘the Code’), in clause fifthly, for the word ‘twelve’
Amendment of section 355 of the Penal Code. the word ‘fourteen’ shall be substituted, and in the exception for the word ‘twelve’ the word ‘thirteen’ shall be substituted.

3. To section 356 of the Code, the following shall be added:—
‘Unless the woman raped is his own wife and is not
Amendment of section 356 of the Penal Code. under thirteen years of age, in which case he shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both’.

4. In Schedule II to the Cochin Code of Criminal Procedure, 1086, for the entries against section 356 the following entries shall be substituted, namely:—
Amendment of Schedule II of the Cochin Code of Criminal Procedure.

Of Rape.

356 Rape						
Sexual intercourse by a man with his own wife not being under 12 years of age.	Shall not arrest without warrant	Summons	Bailable	Not compoundable	Imprisonment of either description for 2 years or fine or both	Court of Session or Magistrate of the first class
Sexual intercourse by a man with his own wife being under 12 years of age.	do	do	do	do	Imprisonment of either description for a term which may extend to life and fine	Court of Session
In any other case	May arrest without warrant	Warrant	Not bailable	do	do	do

Sections 2 to 4 were put and carried.

Deputy President.—The question is that section 1 stand part of the Bill.

1. This Act may be called the Cochin Penal Code (Amendment) Act, of 111 and shall come into force at once.

Short title and commencement.

Section was put and carried.

Deputy President.—The question is that the Title and preamble stand part of the Bill.

THE COCHIN PENAL CODE (AMENDMENT) BILL.

Whereas it is expedient further to amend the Cochin Penal Code, 1059; It is hereby enacted as follows:—

Preamble.

Title and preamble were put and carried.

Mr. Thomas Manjuran (Government Advocate and Law Officer).—I move that the Bill may be taken up and passed tomorrow.

THE COCHIN RUBBER CONTROL ACT AMENDMENT BILL 303

Mr. K. P. Kannan Nayar (*Secretary to Government*).—
I second it.

Motion was put and carried.

The Cochin Rubber Control Act Amendment Bill.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—Sir, I rise to introduce the Cochin Rubber Control Act (Amendment) Bill. This again is a non-controversial measure. The reference in the Cochin Rubber Control Act XXXIV of 1111 to rubber quotas are to yearly quotas. It has been found in practice that the International Rubber Regulation Committee has been fixing export allotments for periods six months or even three months. The Government of India have accordingly introduced a Bill in the Indian Legislative Assembly to amend the corresponding British Indian Act, The Government consider that it is expedient to amend the Cochin Act also accordingly. I move that the Bill be read in Council.

Mr. K. P. Kannan Nayar (*Secretary to Government*).—
I second it.

Motion was put and carried.

Secretary to the Council.—The title of the Bill is “the Cochin Rubber Control Act (Amendment) Bill.”

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—I move that Standing Order No. 42 may be suspended and the Bill may be taken up for consideration forthwith.

Mr. K. P. Kannan Nayar (*Secretary to Government*).—
I second it.

Deputy President.—The standing order is suspended.

Motion was put and carried.

Deputy President.—The question is that sections 2 and 3 stand part of the Bill.

2. Introduce between the words ‘year’ and ‘during’ in section 5 of the Cochin Rubber Control Act the words ‘or portions of each year’.
Amendment of section 5.

3. Introduce between the words ‘year’ and ‘may’ in section 6 (1) of the Cochin Rubber Control Act the words ‘or portions of any year’.
Amendment of section 6.

Sections 2 and 3 were put and carried.